

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

SAN MIGUEL POWER ASSOCIATION, INC.
Employer,

Case 27-RD-1178

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL UNION # 969,
Union,

and

SCOTT J. REED,
Petitioner,

DECISION AND DIRECTION OF ELECTION

On October 26, 2005, the Petitioner, Scott J. Reed, filed a petition under Section 9(c) of the National Labor Relations Act seeking to decertify International Brotherhood of Electrical Workers, Local Union #969. A hearing was held before Hearing Officer Michael Cooperman on November 16, 2005, to resolve the unit placement of four lead line technicians. Following the close of the hearing, the parties timely filed briefs.

The Employer contends that the four lead line technicians possess and exercise Section 2(11) supervisory indicia and should be excluded from the unit. The Union contends that the four lead line technicians are not statutory supervisors and should continue to be included in the historical bargaining unit. The Petitioner took no position on the issue.

For the reasons enunciated below, I find that the Employer has met its burden of establishing that these lead line technicians are statutory supervisors because they possess and exercise the authority, in the interest of the Employer, to effectively recommend employees for hire, and effectively make recommendations regarding the advancement and reward of apprentices utilizing their independent judgment. Accordingly, I shall exclude the lead line technicians from the unit.

Under Section 3(b) of the Act, the Board has delegated its authority in this proceeding to me. Upon the entire record in this proceeding, I make the following findings:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The parties stipulated, and I find, that the Employer is engaged in commerce within the meaning of section 2(6) and (7) of the Act and that it is subject to the jurisdiction of the Board. Specifically, I find that the Employer, San Miguel Power Association, Inc., is a corporation engaged in providing electric power services to users in southwestern Colorado. Annually the Employer, in the course and conduct of its business operations, derives gross revenues in excess of \$250,000 and receives at its Colorado facilities materials valued in excess of \$50,000 directly from points located outside the State of Colorado.
3. The parties stipulated, and I find, that Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
4. A question affecting commerce exists concerning the representation of certain

employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.

5. It is appropriate to direct an election in the following unit of employees:¹

INCLUDED: All meter superintendents,² substation technicians, service technicians, journey line technicians, substation apprentice technicians, journey meter technicians, journey mechanics, storekeepers, laborers, apprentice meter technicians, apprentice line technicians, apprentice mechanics, warehouse persons, ground technicians, and equipment operators.

EXCLUDED: All confidential employees, guards, and supervisors as defined in the National Labor Relations Act, and all other employees.

There are approximately 25 employees in the bargaining unit found appropriate herein.

STATEMENT OF THE CASE

A. Background

The Employer is a cooperative distributor of electricity for retail consumption operating in all or part of the following counties in southwestern Colorado: Midway, Ouray, Silverton, Telluride, Nucla, Naturita, and Norwood. While the bargaining unit includes employees in various departments, the issue herein relates solely to the line crews which operate out of four facilities to provide services in the various counties.

The line operations involve construction, maintenance, and repair of power lines in the

¹ The parties stipulated to the appropriateness of the unit, and as that stipulation comports with the unit described in the current collective bargaining agreement, except as to the lead line technicians, I shall direct the election in said unit. It is well settled that the appropriate unit in which to conduct a decertification election must be coextensive with the certified or currently recognized unit, unless the unit is contrary to the statute or Board policy, or the parties have, by agreement, changed the scope of the unit. See e.g., Campbell Soup Company, 111 NLRB 234 (1955), and Tom Kelly Ford, 264 NLRB 1080 (1982).

² The parties stipulated that the meter superintendent does not possess or exercise any supervisory authority.

four respective territories. The four facilities are located in the towns of Nucla, Telluride, Silverton, and Ridgeway. The Silverton facility was established about two years ago because of the increase of work in that area. Prior to that, then journeyman, now lead line technician, Jim Huffman, reported directly to the superintendent in Ridgeway and primarily handled the work in the Silverton territory himself. Line crew employees from Ridgeway were temporarily transferred to assist Huffman if needed.

The line crews in the four territories all work four-tens, Monday through Thursday, 7:00 a.m. to 5:30 p.m., with one person on call through the weekend on a rotating schedule. Their terms and conditions of employment are established in the collective-bargaining agreement and differ from non-unit employees in some respects.

The Employer and the Union have a long-standing collective-bargaining relationship. While the record is silent as to when that relationship began and whether it resulted from voluntary recognition or a Board stipulated or directed election, it appears that the relationship dates back to at least the early 1990s. The most recent collective-bargaining agreement is in effect by its terms from April 1, 2005 through December 31, 2005.³ There is no dispute that the lead line technicians have historically been included in the bargaining unit as evidenced by the current collective bargaining agreement unit description and applicable trust fund reports entered into the record.

B. Management hierarchy

The general manager of the Employer's operations is Bobby Blair. Reporting directly to him are the general counsel, Jim Link; executive secretary Mandi Leshner; and various directors and managers including the operations manager, John Taylor.

³ The record is silent as to why the contract has such a short duration.

Reporting directly to Taylor are various managers of departments not specifically at issue herein, and the three superintendents of line operations who oversee the lead line technicians and the bargaining unit line crews. Duane De Veny is the superintendent of Ridgeway and Silverton operations. De Veny's office is located at the Ridgeway facility. Paul Enstrom is the superintendent of Nucla line operations. Jim Hubbs is the superintendent of Telluride line operations.⁴

The four lead line technicians whose supervisory status is at issue herein are Jim Huffman, who works out of the Silverton facility; Jeff French, who works out of the Ridgeway facility; Tom Loczy, who works out of the Nucla facility; and William Weve, who works out of the Telluride facility. These four lead line techs report to their respective superintendents, and oversee crews consisting of journeymen and apprentice line technicians. Huffman's crew is the smallest, consisting of a journeyman and an apprentice. French and Loczy each currently have four journeymen and one apprentice on their crews; and Weve has three journeymen and three apprentices. These ratios of journeymen to apprentices change as the apprentices progress through training.

C. Lead line technicians

The record establishes that the lead line technicians primarily work with tools, side-by-side with the crews they oversee. While the witnesses varied in their assessment of the percentage of time the lead line technicians work with tools, and this factor appears to be related in part to the size of line crew and territory served, it is clear

⁴ The parties stipulated, and the record supports my finding that these three line superintendents are statutory supervisors.

that the lead line technicians spend between 10 and 25 percent of their time performing duties related to their supervisory responsibilities.

While the lead line technicians have historically been included in the bargaining unit, it appears that their supervisory authority changed after John Taylor was hired as operations manager about two and a half years ago, and Bobby Blair assumed the general manager position in November 2003.⁵ In early 2004, the Employer contracted with a company called ICON to provide supervisory training to its managers, superintendents, and lead line technicians. These individuals attended two, three-day, ICON training sessions in March and April 2004. The Employer implemented the “positive performance coaching” techniques, progressive disciplinary procedures, and performance evaluation procedures contained in the ICON training materials. The Employer held a Companywide meeting after this ICON training to apprise the employees of the new procedures. The recollection of the witnesses was vague as to whether the Employer formally introduced the lead line technicians as now being “supervisors” or whether it just apprised the employees of the ICON procedures and new customer service goals. The managers, superintendents, and lead line technicians also attended an ICON refresher course in early 2005, and the Employer intends to offer the six-day course to two recently promoted lead line technicians in May 2006.⁶

⁵ Historically, the Employer had “shadow foremen” and “working foremen” in addition to lead line technicians. Although it is unclear when these positions were eliminated, the foremen classifications no longer exist.

⁶ Jim Huffman was promoted from journey line technician to lead line technician on April 1, 2005, corresponding with the hire of a new apprentice because of the increase in work in the Silverton area. A journeyman has also been hired and added to this crew since April. Prior to that date, the Silverton crew (which consisted only of Huffman for many years, and Huffman and an apprentice for a year before Huffman’s promotion) had reported directly to the Ridgeway line superintendent. William Weve was also promoted to lead line technician in April 2005 when Paul Enstrom was promoted to line superintendent over Nucla operations. Enstrom had been the lead line technician in Telluride prior to his promotion.

The lead line technicians, except for Huffman, meet daily with their respective superintendents to get the work orders and work schedule for the day. Because of the geographic distance between Ridgeway and Silverton, Huffman only meets with his superintendent twice a month. Huffman goes over Silverton work orders with his superintendent by telephone. His work orders and tentative daily schedule are transmitted by fax, and adjusted by radio or cellphone throughout the work day. The work orders and schedule for all four territories are subject to frequent changes based on emergencies that arise throughout the day. The superintendents in Ridgeway, Nucla, and Telluride deliver new or changed work orders to the lead line technicians in person or by phone in those territories. The office manager in Silverton delivers such orders to Huffman. The lead line technicians then evaluate the work orders and assign the journeymen and apprentices on their respective crews. These assignments are made on the basis of the nature of the work, including whether it is so-called “hot work” with related safety factors, the skills of the employees, and whether certain work orders present a training opportunity for the apprentices. In this regard, the lead line technicians try to rotate apprentices so that they all get opportunities to get climbing experience, and equal training in other aspects of the work. The assignments also include determining the size of the crew to be sent, which job the lead line technician will work on, and who will be in charge of the crew for the job the lead line technician will not be on. Lead line technician French testified that he will generally assign himself the job with the most potential for things to go wrong and that he will occasionally ask the journeyman if they have preference for a certain job. Line crew employees will

There is no dispute that Huffman and Weve possess and exercise the same level of authority as the other lead line technicians.

occasionally be assigned to jobs in other territories based on manpower needs. These temporary transfers are generally arranged by the line superintendents, and occur most frequently between Silverton and Ridgeway. Lead line technician French testified that he and Huffman sometimes arrange these temporary transfers without authorization from De Veny.

The lead line technicians are primarily responsible for training the apprentices. The lead line technicians assess the work orders on a daily basis and assign the apprentices to either work with themselves, or with a journeyman, depending on whether the work order presents a good training opportunity for the apprentice, or whether, for safety reasons, the apprentice should not be put on a particular job. The lead line technicians also have the authority to allow the apprentices to take work time to study for up-coming apprenticeship tests. This can include a thirty minute review time right before the test, or allowing them to go to the office to study if weather conditions preclude doing line work. Pursuant to the collective-bargaining agreement, the apprentices can progress to the next step of the apprenticeship scale, with corresponding wage increases of approximately 75 cents per hour, after being in their current step for at least six months. Advancement is not automatic. The apprentices must pass field performance tests and written tests. Before they are advanced to the next step, they must also be evaluated by the education/apprenticeship committee.

The lead line technicians are on the Employer's education/apprenticeship committee along with a representative from human resources, and the line superintendents. This committee is responsible for evaluating apprentices to determine whether they are ready to progress to the next apprenticeship level. As noted, these

progressions result in hourly wage increases of approximately 75-cents per hour. The lead line technicians do not necessarily all attend every committee meeting, but they do attend when an apprentice from their crew is up for review. The lead line technicians also confer with any other lead line technician for whom an apprentice might have worked prior to the meetings so that the lead line technician attending the meeting can present all evidence regarding whether progression of an apprentice is appropriate. Since the lead line technicians actually train and observe the work of the apprentices and the superintendents do not, the lead line technicians give a presentation of their observations and recommendations as to the training progress of the apprentices. If the lead line technician does not believe the apprentice has achieved the proper level of competence at his current step, the apprentice will not be advanced since the lead line technicians are the only individuals on this committee who actually know the day-to-day work of the apprentices.

The lead line technicians are also involved in the employee evaluation process that was implemented following the ICON training. The first performance evaluations under the ICON system were given in the fall of 2004. The fall 2005 evaluations had begun, but had not been finalized as of the date of the hearing. The lead line technicians prepare the two page evaluation form and meet directly with the employee to present the evaluation. The employees sign the evaluation form to acknowledge being evaluated. The evaluation forms include a section where the lead line technician assigns a rating of "fully competent," "competent/learning," or "needs improvement" to the employee. The last two categories relate to apprentices only. The evaluation form also includes a comments section which can be filled out at the lead line technician's

discretion. The lead line technicians are required to prepare an improvement plan for the evaluatee if they rate an employee as needing improvement so that the evaluatee will know explicitly what he is doing wrong, and how to change it. These improvement plans would include a designated time frame recommended by the lead line technician of between a week to three months for the employee to correct the problem or face possible discipline, up to discharge.

Such improvement plans are also given outside the evaluation process as part of the ICON “coaching” procedures. The lead line technicians do not need authority from their superintendent to put an employee on an improvement plan, but they do need authority to administer higher levels of discipline. French testified that his understanding of the coaching procedures from the ICON training requires the lead line technicians to work with employees to help them reach a level of competence in doing their job so the crew operates efficiently. This includes determining if an employee is “pulling his own weight” and discussing the matter with the employee to find out if the employee is lacking tools or skills to do the work and remedying such deficiencies, or determining whether the employee is just being “insubordinate.”

The record establishes that the Employer has a complement of stable long-term employees, and as a result, disciplinary actions are rare. There are only two recent instances of lead line technicians administering discipline to line crew employees. The first occurred in 2004 and involved then lead line technician Enstrom issuing a verbal reprimand, with written confirmation, and an accompanying action plan to an employee for failing to complete a work assignment in a satisfactory manner. The employee had been given a work order regarding a service outage for a customer, and instead of fixing

the problem, he just read the meter and left. Enstrom reported the matter to his line superintendent Jim Hubbs, and operations manager John Taylor. Hubbs and Taylor decided on the course of action to be taken and instructed Enstrom to write up the disciplinary paperwork and action plan which they reviewed, but did not change. The employee was then called into Hubbs' office, with Hubbs and Enstrom present.

Enstrom was the one who actually issued the discipline by reading the reprimand and action plan to the employee and explaining the work responsibilities to the employee.

The second instance occurred in July 2005, after Enstrom was promoted to line superintendent. An employee made insulting statements to lead line technician Tom Loczy in response to a work assignment given him by Loczy. Loczy sent the employee home and called Enstrom later in the day to report the matter. Enstrom and Taylor decided the discipline would be a loss of pay for the day the employee was sent home. It is not clear who actually informed the employee of this discipline.

The lead line technicians participate in interviews for applicants to fill open positions in their respective geographic territories. These formal interviews are conducted in a group setting with the operation manager, superintendent, and lead line technician. A representative from human resources also is present to monitor the interviews but is not involved in the actual interview or decision making process. In some instances, the interviewers, including the lead line technicians, take turns asking pre-determined questions. After those questions are exhausted, the interviewers, including the lead line technicians, can and do ask their own questions. After the interviews are conducted, the operations manager, superintendent, and lead line technician all rate the applicants on a numerical scale, discuss their ratings, give their

input as to the perceived strengths and weaknesses of the applicant, and reach a consensus about whom to hire. There has not been an occasion when a consensus was not reached by the three interviewers. While the record is not clear about what transpires in reaching this consensus, there is no evidence that the recommendations made by the lead line technicians are not given equal weight with the recommendations of the other interviewers in this process. Huffman testified that he participated in the interview process for both the apprentice and journeyman hired this year for his Silverton territory. French testified that he also has participated in the interview process for employees on his line crew. Finally, Enstrom testified that he has participated in interviews as both a lead line technician, and line superintendent, and that there has been no change in the nature of his participation or the level of weight given his recommendations since his promotion to line superintendent.

The lead line technicians also have the authority to authorize up to an hour of overtime for a crew if it will enable the crew to finish a job. Occasionally, it will be evident from the nature of the work orders at the start of the day that longer overtime is required. The superintendent will authorize such overtime when discussing the work orders with the lead line technician at the start of their day. The lead line technicians also generally try to reach their superintendent by radio or cellphone if they are authorizing overtime but many of the remote locations make such contact impossible.

CONCLUSIONS AND FINDINGS

A. Supervisory analysis legal framework

Section 2(11) of the Act defines a supervisor as:

Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or

discipline employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

This section is read in the disjunctive, and an individual need only possess one of the enumerated authorities to render that individual a supervisor. See, **KGW-TV**, 329 NLRB 378 (1999); **Providence Hospital**, 320 NLRB 717 (1996). The requirement of use of independent judgment, however, is conjunctive. An individual is not a supervisor unless the individual exercises an authority with the use of independent judgment and holds the authority in the interest of the employer. **KGW-TV**, supra. Thus, an individual possessing Section 2(11) supervisory indicia must exercise authority in a manner that is not merely routine or clerical in nature. Only individuals with genuine management prerogatives are to be considered supervisors, as opposed to lead men and other minor supervisory employees. **Panaro & Grimes, d/b/a Azusa Ranch Market**, 321 NLRB 811 (1996). The Board has long held that the title “supervisor” is not dispositive of supervisory status. **Waterbed World**, 286 NLRB 426 (1987). Therefore, the fact that the Employer may have designated the lead line technicians as hourly “supervisors” or “managers” is of no consequence, absent a showing that they possess and exercise one or more of the indicia set forth in Section 2(11). As stated by the Board recently in **Wal-Mart, Stores, Inc.**, 340 NLRB 220, 223 (2003): “Because the Act excludes any “supervisor” of the employer from that definition of “employee” entitled to the Act’s protections, the Board has a duty not to construe supervisory status too broadly.”

Finally, in the matter now under consideration the burden is on the Employer, as the party alleging supervisory status, to prove that the lead line technicians are statutory supervisors. **NLRB v. Kentucky River Community Care**, 532 U.S. 706 (2001).

B. Positions of the parties

The Employer contends that the lead line technicians are statutory supervisors because they: 1) effectively recommend employees for hire; 2) evaluate employees and recommend apprentices for advancement in the apprenticeship training program resulting in wage increases; 3) have and exercise the authority to discipline employees; 4) exercise independent judgment in directing the work of the employees on their respective crews; and 5) authorize limited overtime.

The Union contends that the lead line technicians are historically part of the bargaining unit, and that the Employer failed to raise the issue of their supervisory status in the most recent contract negotiations in April 2005. The Union further sought to distinguish the record evidence regarding the supervisory authority of the lead line technicians.

The Petitioner did not take a position on the supervisory status of the lead line technicians.

C. Findings of fact and conclusions

Based on the above-cited authority, the entire record herein, and for the reasons detailed below, I find that the Employer has met its burden of establishing that the lead line technicians are statutory supervisors, and I shall exclude them from the unit. In reaching this conclusion, I have considered the various supervisory indicia the Employer asserts the lead line technicians possess and upon which I make the following findings.

1) Effective recommendations for hire

I find merit to the Employer's contention that the lead line technicians have hiring authority because of their participation in the interview process. In this regard, the lead line technicians actively participate in the formal interview for applicants for open positions in their respective geographic regions. The uncontroverted testimony establishes that hiring decisions are made by consensus of the interviewers and that recommendations of the lead line technicians are granted equal weight to those of the operations manager, and line superintendent. While the Union argues that ultimate authorization to hire employees rests with general manager Blair, the evidence establishes that Blair does not participate in the interview process, and that he has vested hiring authority in operations manager Taylor, who, in turn, has established the interview process currently in use.⁷ The Board has long held that the possession and exercise of hiring authority renders the employee a supervisor within the meaning of the Act. See e.g., **W. Horace Williams Co.**, 130 NLRB 223 (1961); **Gino Morena, d/b/a Gino Morena Enterprises**, 287 NLRB 1327 (1988).

2) Evaluation of employees and recommendation of advancement for apprentices

The Employer cites **Entergy Systems & Services, Inc.**, 328 NLRB 902 (1999), in support of its contention that the lead line technicians are statutory supervisors because they evaluate employees resulting in wage increases. I find merit to this assertion for the reasons relied upon by the Board in that case. Thus, the evidence herein establishes that the lead line technicians are the only members of management

⁷ Blair recently elected to observe an interview, but did not participate in questioning the applicant or in the decision making process.

regularly present on the job sites and, accordingly, are the only ones who can effectively evaluate the work of the journeymen and apprentices. While the annual evaluations for the journeymen do not result in direct compensation increases, they can result in a journeyman being placed on an improvement plan with the potential for future discipline, including discharge. With regard to apprentices, the lead line technicians evaluate them both with regard to their annual evaluations and with regard to whether they will advance to the next level in the apprenticeship program. The evidence establishes that the education/apprenticeship committee relies on the reports and recommendations of the lead line technicians because they are responsible for training and observing the progress of the apprentices. Thus, the lead line technicians can and do significantly affect whether a given apprentice will progress to the next level and receive the accompanying 75-cent per hour wage increase. The Board has held that an individual's role in evaluating coworkers is supervisory when those evaluations "lead directly to personnel actions affecting those employees, such as merit raises." **Ten Broeck Commons**, 320 NLRB 806, 813 (1996). See also, **Wal-Mart Stores, Inc.**, 335 NLRB 1310 (2001).

3) Limited authority to discipline employees

The record establishes that lead line technicians, on rare occasions, have been involved in the discipline process for line crew employees. The two isolated instances discussed in the record provide insufficient evidence to warrant a finding that the lead line technicians have authority to discipline or effectively recommend discipline. Accordingly I do not rely on this factor in making my supervisory status findings in this case.

4) Routinely directing the work of employees

In **KGW-TV**, 329 NLRB 378, the Board stated:

In applying the indicia of assignment and responsible direction in this case, however, the Board must distinguish between the exercise of independent judgment and the giving of routine instructions, and between the appearance of supervision and supervision in fact. Thus, it is well established that merely having the authority to assign work does not establish statutory supervisory authority. Further, not every act of assignment constitutes statutory supervisory authority. As with every supervisory indicia, assignment must be done with independent judgment before it is considered to be supervisory under Section 2(11). Similarly, even the exercise of substantial and significant judgment by employees in instructing other employees based on their own training, experience, and expertise does not translate into supervisory authority responsibly to direct other employees. [Citations omitted.]⁸

I find the record in this matter does not support a finding that the lead line technicians at issue exercise sufficient independent judgment in directing the work of their line crews to render them statutory supervisors. In this regard, although the lead line technicians make daily assignments to their crew members, these assignments appear to be routine in nature, based on the lead line technicians' own training, experience and expertise. There is insufficient evidence that these decisions constitute the exercise of supervisory authority on behalf of the Employer that rises to the level of being the responsible direction of the work performed by their crews. Accordingly I do not rely on this factor in making my supervisory status findings herein.

6) Authorize limited overtime.

The evidence herein establishes that the lead line technicians have limited authority to authorize overtime, under proscribed circumstances, and accordingly, I do not rely on this factor in making my supervisory status findings herein.

⁸ See also, **DST Industries**, 310 NLRB 957 (1993); **Venture Industries**, 327 NLRB 918 (1999).

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to issue subsequently, subject to the Board's Rules and Regulations.⁹ Eligible to vote are those in the unit who are employed by the Employer during the payroll period ending immediately preceding the date of this Decision and Direction of Election, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have maintained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike, which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether they desire to be represented for collective bargaining purposes by:

⁹ Your attention is directed to Section 103.20 of the Board's Rules and Regulations. Section 103.20 provides that the Employer must post the Board's Notice of Election at least three full working days before the election, excluding Saturdays and Sundays, and that its failure to do so shall be grounds for setting aside the election whenever proper and timely objections are filed.

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL UNION # 969**

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that within seven (7) days from the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office, National Labor Relations Board, 700 North Tower, Dominion Plaza, 600 Seventeenth Street, Denver, Colorado 80202-5433, on or before **December 20, 2005**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision and Direction of Election may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, DC 20570. This request must be received by the Board in Washington by **December 27, 2005**. In accordance with Section 102.67 of the Board's Rules and Regulations, as amended, all parties are specifically advised that the

Regional Director will conduct the election when scheduled, even if a request for review is filed, unless the Board expressly directs otherwise.

Dated at Denver, Colorado, this 13th day of December, 2005

/s/ B. Allan Benson
B. Allan Benson, Regional Director
National Labor Relations Board
Region 27
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600 Seventeenth Street
Denver, Colorado 80202-5433